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DEC 24 1992

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re)
)
Amendment of Section 73.202(b),) MM Docket No. 92-____
Table of Allotments, FM Broadcast) RM- _____
Stations)
(Temple, Texas))
)
To: Chief, Mass Media Bureau)

PETITION FOR RULEMAKING

Progressive Communications, Inc. ("Progressive"), which is authorized to build and operate a new FM station on Channel 269A in Temple, Texas, hereby requests initiation of a rulemaking proceeding to amend the Table of Allotments, 47 C.F.R. § 73.202, to substitute Channel 269C3 for Channel 269A at Temple. Progressive's current authorization for Channel 269A precludes the use of Channel 269C3 in Temple.^{1/}

The proposed amendment to the Table of Allotments would permit a technical upgrade of Progressive's proposed facility as described in Attachment I hereto. This change would allow Progressive to enhance its local service to Temple, increasing both the geographic area and number of people it will serve. As a result, this proposal will further the public interest and,

^{1/} By Order, 68 RR 2d 1014 (1990), the Commission affirmed the grant of Progressive's construction permit application. A year later, this decision was affirmed by the United States Court of Appeals for the District of Columbia Circuit. Bell County Broadcasting Company v. FCC, No. 90-1611, Slip. Op. (D.C. Cir. Dec. 31, 1991). Although the court issued a certified copy of the judgment in lieu of a formal mandate on June 17, 1992, the Commission has yet to issue the permit.

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particularly, the goals espoused in Section 307(b) of the Communications Act.

The proposed rulemaking is also within the scope of the Commission's policies concerning the modification of Class A facilities to higher classes of operation on their existing or mutually exclusive channels.^{2/} Therefore, as the proposed upgrade is mutually exclusive with operation of a facility on Channel 269A, there can be no competing expressions of interest for a new Channel 269C3 facility to serve Temple.

As set forth in Attachment I, the modification of Progressive's proposed facility will comply with all distance separation requirements with respect to all domestic stations and operations. A Class C3 facility operating at Progressive's site would provide a premium level of signal strength and line-of-site coverage to the entire community of Temple. See Attachment I. The proposal is thus in full accord with 47 C.F.R. §§ 73.207, 73.315, and all other pertinent FCC rules and regulations.

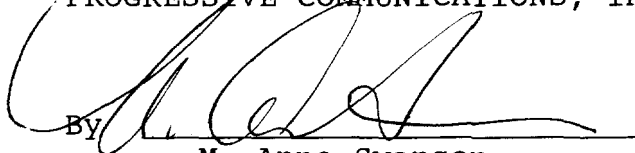
Accordingly, commencement of the proposed rulemaking would serve the public interest. Progressive Communications, Inc. therefore requests amendment of the FM Table of Allotments to specify substitution of Channel 269C3 for Channel 269A at Temple, Texas, and the modification of its authorization to reflect that amendment. Upon adoption of this change, Progressive will act

^{2/} See Report and Order (MM Docket 85-313), 60 R.R. 2d 114 (1986).

promptly to construct the facilities and, once authorized, fully intends to operate on Channel 269C3 in Temple, Texas.

Respectfully submitted,

PROGRESSIVE COMMUNICATIONS, INC.

BY 
M. Anne Swanson

of

Koteen & Naftalin
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, D.C. 20554
(202) 467-5700

Its Attorneys

December 24, 1992

ATTACHMENT I

ENGINEERING STATEMENT
FOR
PROGRESSIVE COMMUNICATIONS, INC.
TEMPLE, TEXAS
REQUEST FOR
FM CHANNEL UPGRADE FROM A TO C3

FREQUENCY 101.7 MHZ
CHANNEL 269

DECEMBER 1992

Prepared By
William B. Carr & Associates, Inc.
1805 Burleson-Retta Road
Burleson, Texas 76028

ENGINEERING STATEMENT OF WILLIAM B. CARR REGARDING
UPGRADE FOR FM CHANNEL 269
FOR
PROGRESSIVE COMMUNICATIONS, INC.
TEMPLE, TEXAS

I, William B. Carr, am an engineer with the firm of William B. Carr and Associates, Inc., Consulting Engineers, with offices located at 1805 Burleson-Retta Road, Burleson, Texas. I am a graduate from The University of Texas with a Bachelor of Science Degree in Electrical Engineering and a Registered Professional Engineer in the State of Texas. My qualifications as an engineer are a matter of record with the Federal Communications Commission. This firm has been retained by Progressive Communications, Inc. of Temple, Texas, with construction permit BPH-820407AF, to prepare the engineering portion of their request to upgrade channel 269A to 269C3 for Temple, Texas.

Progressive has a construction permit(BPH-820407AF) for a Class A (Channel 269) station in Temple, Texas. The present site for the transmitting antenna is:

Latitude: 31° 04' 39"
Longitude: 97° 21' 49"

An allocation study is attached to this statement showing that Progressive Communications, Inc. construction permit can be upgraded to a Class C3 facility and meet all the channel spacing requirements. The location of the proposed transmitting site will be north of Temple, Texas at the following coordinates:

Latitude: 31° 15' 00"
Longitude: 97° 25' 00"

A map is attached showing the proposed site and the 70 dbu contour relative to the City of Temple, Texas. The proposed upgrade will provide a city grade(70 dbu) signal over the entire city limits of Temple, Texas. The proposed upgrade will increase the population within the 60 dbu contour from 106,690 persons as a Class A 6 kw to 270,761 persons as a Class C3 or an increase of 2.5 times. The coverage area would increase from 2,533.9 square km to 4,827.5 square km. The population data is based on the 1990 census data from the United States Department of Commerce, Bureau of the Census.

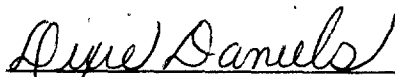
It is our belief that the proposed channel upgrade for Channel 269 from an A to a C3 by Progressive Communications, Inc., is in complete compliance with all Federal Communications Commission Rules and Regulations.

Respectfully submitted,

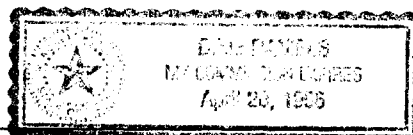


William B. Carr
Registered Professional Engineer
State of Texas

Subscribed and sworn to before me this
22nd day of December, 1992.



Notary Public in and for the State of Texas



FM Spacing study

Title: TEMPLE FM C3
Channel 269C3 (101.7 MHz)
Database: DW 12/15/92

Latitude: 31-15-00
Longitude: 97-25-00
Safety zone: 45 km

Call	Auth	Licensee name	Chan	ERP-kw	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KAMU-FM LIC	TEXAS	A & M UNIVERSITY	*215C2	3.20	30-37-48	123.7	123.5	17
COLLEGE STATION	TX		90.9	104	96-20-33	304.2	106.5	CLEAR
ALLOC			*216A		30-02-48	231.4	212.3	12
KERRVILLE	TX		91.1		99-08-24	50.5	200.3	CLEAR
WRR	LIC	CITY OF DALLAS	266C	100	32-35-22	15.7	154.4	96
DALLAS	TX	BLH-860414KQ	101.1	460	96-58-10	195.9	58.42	CLEAR
KJKS	CP	JOSEPH KENT SMITHERMAN	267A	3	30-57-00	124.1	59.29	42
CAMERON	TX	BPH-870515MF	101.3	100	96-54-08	304.4	17.29	CLEAR
Deletion proposed; CP Granted 03/06/89; Call Granted 04/13/89								
PRM		DELETION PROPOSED	267A		30-57-00	124.1	59.29	42
CAMERON	TX	DOC-89-459	101.3		96-54-08	304.4	17.29	CLEAR
Deletion proposed								
KOKE	CP	RADIO LEE COUNTY	268C2	38.8	30-00-54	171.3	138.5	117
GIDDINGS	TX	BPH-890424IG	101.5	171	97-11-58	351.4	21.49	CLEAR
Deletion proposed; CP Granted 07/20/89; ORDERED FROM 269A; Was KGID 04/06/90 per FCC release #131 dated 04/06/90								
PRM		CLASS CHANGE TO C1 PROPO	268C2		30-00-54	171.3	138.5	117
GIDDINGS	TX	DOC-89-459	101.5		97-11-58	351.4	21.49	CLEAR
Deletion proposed								
PRM		CLASS CHANGE FROM C2 PRO	268C1		29-55-00	176.9	148.0	144
GIDDINGS	TX	DOC-89-459	101.5		97-20-00	356.9	4.028	CLOSE
SITE RESTRICTION 30 MI SW								
KOKE	LIC	ULTIMATE RADIO CORPORATI	268C1	100	31-43-45	289.7	161.3	144
BROWNWOOD	TX	BLH-820407AF	101.5	173	99-01-12	108.9	17.34	CLEAR
NEW	CP	PROGRESSIVE COMMUNICATIO	269A	3	31-04-39	165.2	19.78	142
TEMPLE	TX	BPH-820512AP	101.7	89	97-21-49	345.3	-122	SHORT
CP Granted 08/26/88								
KOKE	LIC	RADIO LEE COUNTY	269A	3	30-09-56	156.5	131.1	142
GIDDINGS	TX	BLH-840911DE	101.7	100	96-52-16	336.7	-10.9	SHORT
Deletion proposed; ORDERED TO 268C2; Was KGID 04/06/90 per FCC release #131 dated 04/06/90								
ALLOC			270A		31-13-14	268.1	89.38	89
LOMETA	TX	DOC-90-392	101.9		98-21-15	87.7	.376	CLOSE
Granted effective 10/07/91, adopted 08/12/91, released 08/21/91; Filing window 10/08-11/07/91 **CLOSED** ; SITE RESTRICTION 2.3 MI E								

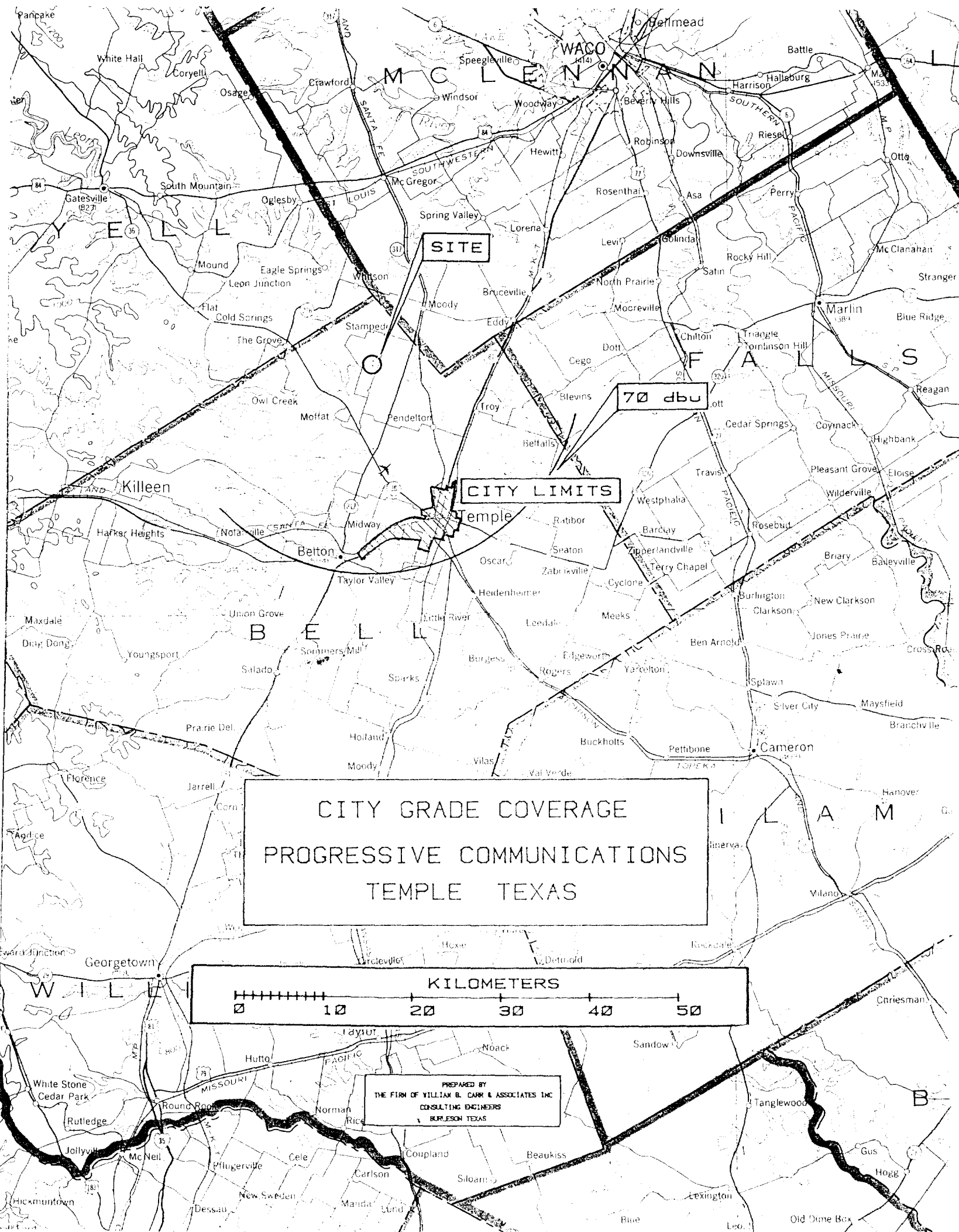
FM Spacing study

Title: TEMPLE FM C3
Channel 269C3 (101.7 MHz)

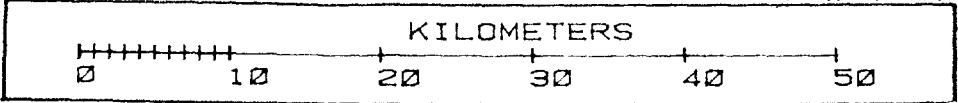
Latitude: 31-15-00
Longitude: 97-25-00

Call City of License	Auth Licensee name St FCC File no.	Chan ERP-kW Freq EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
NEW LOMETA	APP DEBRA L. WITCHER TX BPH-911107MH	270A 6 101.9 100	31-13-07 98-22-23	268.0 91.18	89	
Received per FCC release #15135 dated 11/22/91, tendered per 15183 dated 01/30/92, accepted per NA-157 dated 03/12/92						
KPXQ FRANKLIN	CP FRANKLIN COMMUNITY BROAD TX BPH-890718MB	270A 3 101.9 100	31-02-58 96-26-06	103.2 96.21	89	
Deletion proposed; CP Granted 05/28/91 per FCC release #21126 dated 06/03/91; ORDERED TO 270C3; Call Granted 07/12/91 per FCC release #162 dated 07/12/91						
KPXQ FRANKLIN	ORD FRANKLIN COMMUNITY BROAD TX BMPH-920807IA	270C3 25 101.9 100	30-56-04 96-26-15	110.4 99.76	99	
DOC-91-275; ORDERED FROM 270A; TDF; Call Granted 07/12/91 per FCC release #162 dated 07/12/91						
KTXQ FORT WORTH	LIC CBS, INC. TX BLH-910508KB	271C 100 102.1 441BT	32-34-54 96-58-32	15.6 153.4	96	
License Granted 05/08/92 per FCC release #21380 dated 05/15/92; Ant: Continental G5CPS						
KPEZ AUSTIN	LIC CLEAR CHANNEL COMM, INC. TX BLH-900424KE	272C2 20 102.3 209	30-13-24 97-49-39	199.1 120.4	56	
License Granted 10/13/92 per FCC release #21489 dated 10/19/92						

>> End of channel 269C3 study <<



CITY GRADE COVERAGE
PROGRESSIVE COMMUNICATIONS
TEMPLE TEXAS



PREPARED BY
THE FIRM OF WILLIAM B. CARR & ASSOCIATES INC.
CONSULTING ENGINEERS
BURLESON TEXAS

CERTIFICATE OF SERVICE

I, Judy Cooper, a secretary in the law firm of Koteen & Naftalin, hereby certify that on the 24th day of December, 1992, a copy of the foregoing "Petition for Rulemaking" was hand delivered to the following:

Michael C. Ruger, Esquire
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
Room 8318
2025 M Street, N. W.
Washington, D. C. 20554


Judy Cooper